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Annual Report

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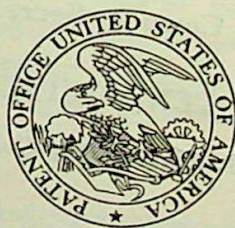
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JAN 13 1966

Commissioner of Patents

U. S. PATENT OFFICE

Fiscal Year 1965



U.S. DEPARTMENT OF COMMERCE
PATENT OFFICE



U.S. DEPARTMENT OF COMMERCE

John Connor, *Secretary*

PATENT OFFICE

EDWARD J. BRENNER, *Commissioner*

JAN 13 1966

PATENT OFFICE

COMMISSIONER'S ANNUAL REPORT, FISCAL YEAR 1965

Fiscal year 1965 marked the 175th Anniversary of the American Patent System. This occasion was commemorated with a series of formal meetings with leaders of industry, labor, government, the scientific and academic communities, and members of the patent profession to discuss the patent system and possible solutions to the problems confronting the Patent Office. Another appropriate gesture toward commemorating the 175th Anniversary of the American Patent System was the record setting 102,000 application disposals, an increase of 35 percent in productivity over the preceding 2 years. This output reduced the backlog slightly in spite of a continued upward trend in the number of applications received, continued examiner turnover, and essentially the same size staff. New procedures streamlining the examination of patent applications were initiated by Commissioner Brenner as were studies and cost comparisons of several different types of patent examining systems. An Office of International Patent and Trade-mark Affairs was established in order to consolidate and increase efforts towards international cooperation re patents and trademarks. At the end of the fiscal year passage of new fee legislation was imminent. In addition, the President established a Commission to study the American Patent System.

Two new Assistant Commissioners, Messrs. Richard A. Wahl and Gerald D. O'Brien were appointed to succeed Assistant Commissioners Fay and Glaser, both of whom resigned.

Issued in this period were the 200,000th Design Patent and 2,500th Plant Patent.

Senate action on the new Patent Office building was deferred pending further study as to the most appropriate locatiton for the facility.

PRODUCTIVITY

Economy, Efficiency, and Effectiveness Program

The "3-E" policies of economy, efficiency, and effectiveness were initiated and applied in fiscal year 1965. Under them the Patent Office goal is to achieve up-to-date status of work by 1970 and to render better service to the public. Typical examples of the efforts of the Patent Office along this line are (1) to increase productivity of the Examining Corps under the Streamlined Examining Procedure, (2) to reduce class training time of the

Patent Office Academy, (3) to reduce clerical tasks in the Trademark Examining Operation, and (4) to revise specifications for printed reproduction of patents. The above projects resulted in increased output and significant cost savings to the Patent Office during fiscal year 1965.

Examining Corps

For fiscal year 1965, a record 102,000 patent applications were disposed of as compared with approximately 76,000 during each of the 2 preceding fiscal years. This represents a 35 percent increase in productivity. As consequence, the backlog of roughly 220,000 applications was reduced approximately 13,000. The period of pendency of patent applications stayed about the same in fiscal year 1965, averaging slightly over 3 years.

Board of Patent Appeals

The number of appeals received by the Board of Appeals in fiscal year 1965 was 24,174, including 589 petitions for reconsideration, as compared with 11,322 appeals received in fiscal year 1964. As of June 30, 1965, there were 10,768 appeals on hand including 6,187 awaiting appellant's brief, 2,787 awaiting examiner's answer and 1,794 awaiting hearing decision by the Board.

Board of Patent Interferences

At the end of the fiscal year there were 1,923 interferences pending in the Board of Interferences as compared to 2,096 at the end of fiscal year 1964. The number of interferences declared during the fiscal year 1965 was 660 or 336 less than the number (996) for fiscal year 1964. Interferences disposed of in fiscal year 1965 totaled 824, which is 63 more than were disposed of in the previous fiscal year.

Trademark Examining Operation

Trademark applications received in fiscal year 1965 totaled 26,657, an increase of 1,083 over the previous year. Disposals for the period totaled 25,507, as compared to 26,634 in fiscal year 1964, for an average of 77 disposals per examiner. The backlog, including applications in preexamination status, increased from 15,462 to 16,698.

Trademark Trial and Appeal Board

The Trademark Trial and Appeal Board disposed of 1,401 adversary proceedings during fiscal year 1965 as compared to 1,541 in fiscal year 1964. There were pending as of June 30, 1965, 1,564 adversary proceedings and 103 ex parte appeals.

Office of Patent Classification

Six (6) new classes were established during fiscal year 1965 and eight (8) were abolished. The new classes contained 50,085 original patents, 57,575 cross references and 66,399 foreign patents classified in 1,346 sub-

classes. In addition, 343 new subclasses containing 11,541 original patents, 14,999 cross references and 7,245 foreign patents were established in existing classes. Almost 11,000 original patents were transferred to existing subclasses while over 72,000 original patents were reclassified during fiscal year 1965. At the end of the year about 395,000 original patents in 38 classes and parts of classes were being reclassified.

Scientific Library

During fiscal year 1965, the number of volumes cataloged (10,780), the number of periodicals routed (56,866), the number of foreign patents received (284,840), and prepared for examiner's use (204,904), the number of foreign patents studied in consultation with translators (21,132), the number of photocopies ordered (234,005), the number of reference inquiries (20,874) have all increased significantly over the previous fiscal year. Methods for sending foreign specifications which cite U.S. application as priority to the appropriate examiner were proposed.

General Services

Fiscal year 1965 was a year in which 89,234 new applications (excluding design applications) were filed. This represented an increase of nearly 1,400 over fiscal year 1964. In addition, 7,500,000 photocopies of Patent Office records were prepared on request and 11,459,179 copies of patents and trademarks were sold and distributed throughout the world. Each of these outputs were more than one-half million over those of the previous year.

PROGRAMS AND OPERATIONS

Examining Corps

As mentioned above, the streamlined examining procedures (Second Action Final Program) ¹ initiated by Commissioner Brenner during fiscal year 1965 more than attained the established objective of 100,000 disposals with no discernible reduction in quality of examination of patents issued. While this increased productivity reduced the backlog, the period of pendency remained substantially the same, or slightly over three (3) years.

Since the Commissioner's objective is to reduce the period of pendency of patent applications to 1½ years, concentrated effort is still necessary to maintain a high level of production. Therefore the streamlined examining procedures will be continued along with a new procedure for making a limited number of cases "special" for immediate action. Under the new procedure adopted July 26, 1965, in accordance with a Commissioner's notice, the applicant or his attorney must limit the number of claims to 10, cite all pertinent art that his search revealed as reading on his claimed invention, and meet other requisites of the notice. Applications also may qualify for

¹ Discussed in fiscal year 1964 annual report.

special status under the long standing provisions of Rule 102 of the Rules of Practice where petitions may be filed on the grounds of health, age, infringement, manufacture, and so forth.

In addition to the foregoing, some reorganization, and staff changes were initiated to facilitate the achievement of the Corps production goal. Two staffing plans were made to strengthen the Chemical and Electrical Operations by shifting 50 examiners from Mechanical Operations to these Operations in an effort to overcome the large caseload in each Operation. This shift was to be accomplished primarily through employee recruitment and the possible utilization of skills possessed by employees in the other Operations. A study of the skill requirements, other than strictly Chemical disciplines, which could be utilized in the Chemical Operation was conducted. At the end of fiscal year 1965 the Chemical and Electrical Operations had gained 47 examiners by these means. Further staffing shifts are planned until workloads and work force are in proper alignment to achieve Office goals. Closely related to the above staffing changes were the organizational changes of creating 108 Art Units in the Groups and the transferring of the clerical force from the control of the Directors to the respective Group Managers. Each of the newly created Art Units are staffed with up to 10 examiners under the direction of a Supervisory Primary Examiner who is responsible not only for final decisions in individual applications but also for assuring that the pattern of such decisions complies with policy and program requirements set by higher authority. In connection with program management, each Group Manager has been assigned a standard case per disposal for his Group taking into account complexity of art and experience level of the examiner staff. This standard was developed through the joint efforts of the Superintendent, the Directors, and the Group Managers.

New management information systems have been devised which provide data in terms of hours for each of the major examining functions performed leading to disposals. Data is being derived from the reporting system of the types of first action and final rejections and for case history, all of which will provide valuable planning and staffing data for future operations.

Another program to expedite the examining process is the supplying of cited references automatically to applicants and examiners. Such a program facilitates subsequent examiner actions on the application by eliminating the necessity for retrieving a previously cited reference. The integrity of the examiner search file will also improve since references would not be removed from the search file after their initial citation by the examiner. This procedure enables the patent practitioner to begin work immediately on his response to an Office action and may encourage earlier responses contributing to the disposal objective of the Patent Office.

Directly related to the foregoing is the plan for initiating a Systems Analysis Study of the Patent Office. Arrangements are being made with the

Institute of Applied Technology, U.S. National Bureau of Standards to direct such a study during fiscal year 1966. The purpose of this systems analysis study is to develop full descriptions of the examination processes and quantitative data on the application flow with both the numbers involved in each movement and the time consumed in the transitions observed. With this data it will be possible to construct statistical models for predicting backlog, disposals, pendency time, and waiting time both for actions and responses. Such data will be of considerable value to management in the decision making process.

Studies, more in the nature of long range planning, have been initiated also. Representative of these are:

(a) A joint study has been initiated with the patent bar to consider changes in the Rules of Practice relating to the writing of patent specifications and claims, particularly the length of patent specifications and the number and nature of patent claims. If appropriate changes can be made, it will result in saving of time and money to the Patent Office, patent applicants, and the patent bar in the preparation, prosecution, and examination, of patent applications in the U.S. Patent Office.

(b) A comparative cost study was initiated of four patent examining systems: (1) an efficient full examination system of the type practiced in the United States, (2) a deferred examining system of the type adopted by the Netherlands, (3) a deferred examining system of the type being considered in the European Economic Community, and (4) a combination system encompassing a full and/or deferred examination depending on the desire of the applicant. The results of this study will be presented to the Presidential Commission.,

Presidential Commission

The President's Commission on the Patent System, established by Executive Order 11215, published in the Federal Register of April 10, 1965 (30 F.R. 4661), has been charged with making the first basic study of the system since its creation in its present form in 1836. Basically the Commission will attempt to determine (1) whether the present patent system is fulfilling the national and international needs, (2) the nature of required improvements and changes, and (3) the nature of any legislation required to strengthen the system. The Commission is directed to make a preliminary report within a year and its final report and recommendations within 18 months. Chairman of the Commission is Dr. Harry Hunt Ransom, Chancellor of the University of Texas. The other members of the Commission are John Bardeen, University of Illinois; James Birkenstock, Vice President, Commercial Development, I.B.M.; Howard W. Clement, Patent Attorney and Chairman of Board of Trustees, University of Illinois; Howard Nason, President Monsanto Research Corporation; Sidney Newman, Patent Attorney; Bernard Oliver, Vice President, Research and Development, Hewlett-

Packard Corporation; Simon H. Rifkind, Attorney; Horton G. Stever, President, Carnegie Institute of Technology; Charles Thornton, President, Litton Industries; Hon. John T. Connor, Secretary of Commerce—Designee, Hon. Edward J. Brenner, Commissioner, Patent Office; Hon. Robert S. McNamara, Secretary of Defense—Designee, Hon. Paul R. Ignatius, Assistant Secretary of Defense; Administrator of the Small Business Administration—Designee, Mr. Eugene J. Davidson; Dr. Leland J. Haworth, Director, National Science Foundation—Designee, Mr. William J. Hoff.

The Secretary of State, Dean Rusk—Designee, Philip H. Trezise, Deputy Assistant Secretary of State for Economic Affairs; Dr. Donald F. Hornig, Office of Science and Technology—Designee, Mr. David Beckler, Office of Science and Technology, may sit with the Commission as observers.

International Activity

The Office of International Patent and Trademark Affairs was established for the purpose of (1) consolidating and increasing efforts towards international cooperation in the patent and trademark fields, and (2) studying and making recommendations concerning the U.S. position on and participation in existing and proposed multilateral patent and trademark agreements. In furthering this purpose, Commissioner Brenner and staff representatives have attended a series of international meetings in Geneva on several different occasions sponsored by the United International Bureau for the Protection of Intellectual Property (BIRPI) to discuss the international classification of industrial designs, the study of a model law for developing nations, proposed revisions to the Paris Convention, including inventors and authors certificates, reorganization of BIRPI, and the collection of industrial property statistics with the view of establishing an index of related patents issuing in different countries.

The fourth annual meeting of the International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT) was held in Washington, D.C. During this meeting 15 member countries approved the use of five (5) operating information retrieval systems including (1) the Steroid system of the United States; (2) the Alloy system of the United Kingdom; (3) the Lubricants system of the Netherlands—I.I.B. Offices; (4) the Analog Digital Convertor system of the Netherlands; and (5) the Nuclear Reactor system of Japan.

In addition, representatives of the Office have observed the international meetings of the members of the Nice Agreement for the International Classification of Goods and Services to which trademarks are applied. Also a number of foreign trademark offices were visited to discuss their operations and procedures under the Madrid Agreement on trademarks. Closely related to these visits and attendance at international meetings is a current study for the purpose of determining the advisability and feasibility of adherence to the Madrid Agreement.

Under active consideration is a plan for the exchange of search results in patent applications with a number of foreign countries. The plan provides for the United States to furnish to foreign countries with whom an agreement is made, a list of references cited in the examination of applications originating in the United States and subsequently filed in the foreign country. Similar treatment would be accorded the United States by the participating foreign countries. Such a program would, hopefully, ease the search burden on the countries involved and might aid U.S. business interests abroad by speeding the examination of their foreign filed cases. A study is being made also to see if it is possible to harmonize domestic and foreign specification requirements with a view to facilitating the examination of applications filed in more than one country.

Research and Development

At the beginning of fiscal year 1965 a comprehensive study of the research and development program was initiated. The findings of this study were reviewed by Assistant Secretary Hollomon, Commissioner Brenner and a group of outside consultants consisting of Mr. Howard King Nason of Monsanto Research Corporation, Mr. Bernard David Holbrook of Bell Telephone Labs, Dr. Arthur Walter Tyler of Tyco, Inc., and Mr. Francis Kimber McCune of General Electric Company.

As a result of this review, and in consideration of other government supported and funded projects in the field of Information Retrieval, it was deemed advisable to direct the Research and Development effort of the Patent Office to the creation of mechanized retrieval systems that offered a promise of relatively early assistance to the Examining Corps and which were compatible with the principal emphasis placed on mechanized retrieval systems in other examining patent offices. The emphasis of the Research and Development program was, therefore, directed away from the longer range research aspects and toward the creation of systems, in cooperation with other patent offices through ICIREPAT, which would largely employ presently available and implementable techniques.

As a result of this redirection of the Research and Development activities, and in keeping with the recommendations of the non-Patent Office experts who reviewed the program, part of the budget, originally planned for Research and Development in Information Retrieval has been re-programmed to enable the Office to institute a systems analysis study of all aspects of the Office.

Office of the Solicitor

This year was distinguished by the granting by the Supreme Court of petitions for writs of certiorari in two cases involving Patent Office decisions. One, the Manson case (142 U.S.P.Q. 35), in which the Court of Customs and Patent Appeals reversing the Office held that a process which produces a

useless product is patentable. The other, the decision of the Court of Appeals for the District of Columbia Circuit in *Hazeltine Research Inc., et al. v. Ladd*, 340 F. 2d 786, affirming the Office position that "copending patent" is prior art within the meaning of 35 U.S.C. 103.

The petition in the Manson case is the only petition which the Supreme Court has ever granted for review of a patent or trademark case decided by the Court of Customs and Patent Appeals.

Four hundred and eleven applicants took the examination for registration to practice before the Patent Office resulting in the registration of 117 patent attorneys and 100 patent agents. At the end of the fiscal year approximately 7,000 attorneys and 1,380 agents appeared on the registers of patent attorneys and patent agents.

Legislation

By the end of fiscal year 1965 it appeared that Congress would pass and the President would sign H.R. 4185 into law and thereby increase certain fees payable to the Commissioner of Patents in connection with filing and examination of applications for patents, issuance of patents, and registration of trademarks. The new issue fees would be applicable to patents for which notices of allowances were sent out of the Patent Office on or after the effective date of the law. The new filing fees would be applicable only to applications filed after that date. Other new fees generally would apply if they became due after the effective date of any law enacted. A notice describing the schedule of new fees with an explanation of the method of determining them would be published in the Official Gazette.

There were pending before the Congress at the end of fiscal year 1965 a number of legislative proposals of special interest to the Patent Office, viz. a bill S. 1758, to amend the Administrative Procedure Act, establishing the right of any member of the bar of the highest court of a State or possession to practice before any Federal agency including the Patent Office. Other requirements which may presently be imposed by an agency would be eliminated.

S. 1971, pending before the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Committee on the Judiciary would make the question of obviousness of an invention under section 103 of title 35, U.S. Code, a matter solely for judicial determination after the grant of a patent, and not a matter for determination by the Commissioner of Patents before the grant of a patent.

Final regulations were promulgated under authority of Public Law 88-292 (March 26, 1964) on December 29, 1964, by the Commissioner of Patents designating instances when a written declaration might be used in lieu of oaths in support of certain documents filed in the prosecution of patent applications. A preliminary draft of regulations for the same purpose in

the field of trademarks was published in the Federal Register on May 15, 1965.

Academy

Approximately 160 Senior Examiners and management personnel from the Examining Corps and the Office of Patent Classification attended a series of Patent Law Seminars, totaling 36 hours, developed and presented under the direction of the Office of Examining Control. The seminars were concerned with current examining practices and procedures and the effects of recent court decisions on existing practices and procedures. The major objectives of the seminar program were to:

- a. Promote uniformity of practice throughout the Examining Corps.
- b. Resolve differences of opinion and differences in interpretation in matters relating to practices and procedures.
- c. Ensure that all professional supervisory and management personnel in the Examining Corps were familiar with current practices and procedures and policies relating hereto.

Approximately 180 junior examiners completed the basic training program of 140 hours in the Patent Office Academy during fiscal year 1965.

Work Measurement

The Office of Planning and Program Evaluation completed a Measurability Study of the Patent Office and identified program areas for detailed work measurement studies and the construction of work standards. A comprehensive schedule was established for the accomplishment of these studies by the Management and Organization Division.

Personnel

Added emphasis has been given to the program of hiring engineers and scientists at the GS-9 and GS-11 levels who have had no patent experience in hopes of minimizing the effects of the continuing turnover of junior examiners.

The Patent Aid program to hire exceptionally well qualified high school graduates through nationwide competitive examinations is continuing and the Patent Office is giving the aids an opportunity to get college training in engineering courses while in this program. Some thought is being given to extending the programs to candidates with other levels of educational attainment, such as students in cooperative University-Government agency programs and Junior College graduates with basic science training.

The first phase of a comprehensive Career Development program for the Patent Office professional patent examiners and nonexamining personnel neared completion and was declared operational during fiscal year 1965.

General Services

Improvements in service and cost reduction during fiscal year 1965 have been made by (1) the utilization of mechanized systems to reduce the time

necessary to furnish patent and trademark printed copies, (2) the introduction of a film-chip system for the reproduction of copies of exhausted patents in the lower-demand category, (3) a new printing contract covering the initial printing of patents at a lower cost per copy, (4) the utilization of a less expensive paper for the printing of patent specifications at no sacrifice in the quality of the copy furnished, (5) furnishing copies of references as they are cited by examiners, (6) introducing statistical sampling techniques for the identification and reprinting of specific patent numbers which have a high rate of demand, and (7) the introduction of coin-operated copying devices in public search areas.

Two major organization and procedure studies were initiated and completed in fiscal year 1965. Each had as its objective the attainment of efficient, economical and effective service to the Patent Office and to the public. The patent copy sales function has been reorganized to be more responsive to customer demand. Many manual operations have been realigned and grouped for better utilization of mechanical processing techniques. The recordation of assignment documents has received an extensive examination. The results of this study will be fully realized in the coming fiscal year.

OPERATING COST AND INCOME

The Patent Office appropriation for fiscal year 1965 was \$31,495,000, which amount was comprised of the regular appropriation of \$30,500,000 and a supplemental appropriation of \$995,000 for pay act costs. A transfer of \$6,000 was received from General Administration, Department of Commerce for financing certain centralized services. New obligational authority for the year was thus \$31,501,000.

Program costs for this period were \$31,257,835, and with the addition of \$175,248 net obligations incurred for costs of other years the total amount obligated during fiscal 1965 was \$31,433,083, or 99.8 percent of new obligational authority.

Compensation for an average of 2,484 employees accounted for 74 percent of total operating expenses; related costs of employee life insurance, health benefits, retirement, Federal Insurance Contribution Act taxes, awards, and Employees Compensation Fund payments for 6 percent; printing and reproduction for 15 percent; and all other operating costs for 5 percent.

During the year the Office received \$9,271,858 in fees and deposits from all sources. Refund of \$61,944 and a net increase of \$6,053 in the deposit fund for unapplied receipts resulted in a net income of \$9,203,861. This exceeded by \$810,519 the previous record-high amount of \$8,393,342 for fiscal 1963, and was equivalent to about 30 percent of operating costs.

STATISTICAL DATA

Following are tables depicting various quantitative aspects of Patent Office Operations:

PATENT EXAMINING OPERATION

Inventory of Pending Patent and Design Applications As of June 30, 1965

Status	Patents incl. plants and reissues	Designs
Under examination:		
Awaiting:		
Action by examiners.....	147,457	1,827
Response by applicant.....	40,662	3,203
In interference.....	2,499	4
On appeal, charged to:		
Board of Appeals.....	6,063	102
Court.....	425	12
Action suspended (awaiting examiner action).....	16	—
Total under examination.....	197,122	5,148
Preexamination.....	9,800	346
Total.....	206,922	5,494
Post examination:		
Allowed, on hand in the examining groups.....	3,706	611
Awaiting payment of final fee.....	25,794	—
Deferred under statute.....	210	—
Awaiting issuance, fee paid prior to June 30, 1965....	7,793	—
Awaiting issuance, no fee required.....	213	—
Applications awaiting entry of amendment (Rule 312)	227	—
D-10's (secret cases in condition for allowance).....	2,356	—
Total.....	247,221	6,105

Summary of Patent and Design Examining Activities, Fiscal Years 1963-65

Item	1963	1964	1965	Annual Average 1956-65
Patents:				
Applications filed:				
With fee:				
General, mechanical, chemical, electrical.....	82,729	85,288	86,716	79,199
Plants.....	149	147	89	121
Reissues.....	277	207	237	234
No fees required:				
(35 U.S.C. 266).....	1,148	1,311	1,327	1,128
(C.G. decisions).....	743	883	865
Total.....	85,046	87,836	89,234	81,272
Applications allowed.....	45,433	47,422	69,341	52,256
Applications abandoned.....	30,489	28,403	32,824	30,421
Total disposals.....	75,922	75,825	102,165	82,677
Patents issued:				
With fee:				
General, mechanical, chemical, elec- trical.....	52,532	42,538	51,385	46,465
Plants.....	114	147	127	114
Reissues.....	214	203	204	173
No fee required:				
(35 U.S.C. 266).....	820	905	913	1,536
(C.G. decisions).....	595	604	611
Total.....	54,275	44,397	53,240	48,293
Patents withheld for nonpayment of final fee (35 U.S.C. 151).....	1,434	1,168	1,362	1,477
Designs:				
Applications filed.....	4,841	5,067	5,319	4,913
Applications allowed.....	2,725	2,999	3,437	2,764
Applications abandoned.....	2,132	2,198	2,588	2,323
Design patents issued.....	2,411	3,019	2,979	2,647

Applications for Patents Filed, Fiscal Years

Year	Inventions	Plants	Reissues	Total	Designs
1946.....	77,872	68	165	78,105	10,800
1947.....	77,698	81	114	77,893	8,856
1948.....	73,188	68	129	73,385	7,323
1949.....	66,091	81	120	66,292	6,883
1950.....	69,025	92	178	69,295	7,307
1951.....	63,000	77	160	63,237	4,871
1952.....	60,107	93	186	60,386	4,606
1953.....	70,025	99	219	70,343	5,433
1954.....	74,987	90	194	75,271	5,501
1955.....	78,386	94	230	78,710	5,523
1956.....	75,420	117	196	75,733	5,322
1957.....	73,495	99	189	73,783	4,675
1958.....	76,565	129	262	76,956	4,838
1959.....	77,978	126	259	78,363	4,994
1960.....	78,995	117	219	79,331	4,567
1961.....	80,842	106	223	81,171	4,605
1962.....	84,864	131	270	85,265	4,963
1963.....	84,620	149	277	85,046	4,841
1964.....	87,482	147	207	87,836	5,067
1965.....	88,908	89	237	89,234	5,319

Patents Granted, Fiscal Years ¹

Year	Inventions	Plants	Reissues	Total	Designs
1946.....	23,535	43	115	23,693	3,384
1947.....	20,137	38	125	20,300	1,889
1948.....	21,336	59	120	21,515	3,102
1949.....	30,393	53	118	30,564	4,251
1950.....	38,464	106	113	38,683	4,826
1951.....	45,447	61	138	45,646	4,604
1952.....	42,963	91	133	43,187	3,344
1953.....	42,480	91	163	42,734	2,827
1954.....	38,499	87	167	38,753	2,573
1955.....	29,473	116	186	29,775	2,533
1956.....	40,465	88	141	40,694	3,104
1957.....	44,819	120	163	45,102	2,375
1958.....	43,407	110	159	43,676	2,572
1959.....	52,184	128	170	52,482	2,508
1960.....	50,322	107	178	50,607	2,685
1961.....	47,222	110	160	47,492	2,488
1962.....	51,065	88	190	51,343	2,336
1963.....	53,958	114	215	54,287	2,411
1964.....	44,050	147	203	44,400	3,019
1965.....	52,914	127	204	53,245	2,979

¹ Includes withdrawn numbers.

Patent Applications Pending on June 30, of Year Indicated ¹

Year	Total pending ²	Awaiting action by examiner ³	Year	Total pending ²	Awaiting action by examiner ³
1946.....	157,861	110,386	1956.....	217,536	121,847
1947.....	202,923	139,116	1957.....	215,535	106,523
1948.....	233,174	148,184	1958.....	207,166	88,804
1949.....	232,171	140,711	1959.....	198,248	87,146
1950.....	219,334	124,823	1960.....	195,885	87,122
1951.....	201,382	108,996	1961.....	200,934	90,917
1952.....	185,084	96,836	1962.....	197,397	100,841
1953.....	182,650	98,878	1963.....	209,131	117,610
1954.....	194,620	116,392	1964.....	219,691	127,154
1955.....	221,872	139,931	1965.....	206,922	147,473

¹ Does not include allowed applications and design applications.

² Beginning with 1947, includes applications in preexamining processes.

³ Includes cases in which Office actions were suspended under rule 103.

CLASSIFICATION

Classification Activity, Fiscal Years 1961-65

Activity	1961	1962	1963	1964	1965
Classes abolished.....	6	6	6	3	8
Original patents.....	41,036	21,830	56,589	13,776	36,174
Cross-reference patents.....	28,135	26,278	51,872	11,395	26,125
Classes established.....	6	7	6	4	6
Subclasses.....	1,588	2,236	1,625	824	1,346
Original patents.....	38,393	43,231	55,598	23,042	50,085
Cross-reference patents.....	57,965	97,461	96,667	62,988	57,575
Foreign patents.....	43,171	79,445	69,636	50,435	66,399
Miscellaneous subclasses:					
Established.....	468	246	114	440	334
Original patents.....	16,011	6,026	4,611	12,323	11,541
Cross-reference patents.....	18,869	6,114	3,374	31,232	14,999
Miscellaneous patents transferred.....	11,261	11,440	11,973	9,479	10,883
Assignment decisions:					
Written.....	131	136	104	74	75
Oral.....	6,012	7,230	6,864	7,811	7,186
Letters of inquiry answered.....	1,402	1,199	1,161	1,014	853

TRADEMARK OPERATION

Inventory of Pending Trademark Applications as of June 30, 1965

Status	For regis- tration	For renewal	Under sec. 12(c)	Sec. 8 affidavits
Under examination:				
Awaiting:				
Action by examiners	14,931	300	61	422
Response by applicant	9,923	105	1	233
On exparte appeal	124	—	—	—
In adversary proceedings	1,587	—	—	—
Total under examination	26,565	405	62	655
Preexamination	1,767	34	2	234
Post examination (includes applications in all phases of publication and issue).	6,494	280	41	—
Total	34,826	719	105	889

Summary of Trademark Examining Activities,
Fiscal Years 1963-65

Item	1963	1964	1965	Annual average 1956-65
Applications for registration filed	24,224	25,574	26,657	23,506
Disposal of trademark applications:				
Applications maturing to registration	18,332	20,980	20,132	18,536
Applications abandoned	5,166	5,354	5,375	4,599
Certificates of registration issued:				
1946 act, principal register	17,253	19,601	18,306	17,407
1946 act, supplemental register	1,013	1,086	1,143	972
Total	18,266	20,687	19,449	18,379
Renewal of registration:				
Applications filed	2,604	2,824	3,049	3,293
Applications abandoned	87	102	83	55
Registrations renewed	2,448	2,831	2,869	3,236
Affidavits for benefits under sec. 12(c):				
Affidavits filed	311	261	308	471
Affidavits abandoned	4	7	4	5
Published under sec. 12(c)	321	329	336	509
Affidavits, sec. 8:				
Affidavits filed	12,752	12,055	13,923	12,919
Affidavit disposal	13,136	12,101	13,728	12,931

**Applications for Trademark Registrations, Renewals, and
Sec. 12(c) Affidavits, Fiscal Years**

Year	For regis- tration	For re- newal	For bene- fits under sec. 12 (c)	Affi- davits re- ceived under sec. 8	Year	For regis- tration	For re- newal	For bene- fits under sec. 12 (c)	Affi- davits re- ceived under sec. 8
1946..	19,780	6,436	—	—	1956..	21,735	3,675	808	12,040
1947..	20,373	6,358	—	—	1957..	21,581	3,638	843	12,873
1948..	35,157	4,251	29,212	—	1958..	21,770	3,237	556	12,126
1949..	20,141	4,011	4,225	—	1959..	22,243	3,321	447	11,548
1950..	18,755	3,731	2,206	—	1960..	23,242	3,972	419	12,573
1951..	15,962	3,310	1,379	—	1961..	23,169	3,476	423	14,581
1952..	16,126	3,383	1,164	—	1962..	24,866	3,138	337	14,720
1953..	17,400	3,075	1,309	1,424	1963..	24,224	2,604	311	12,752
1954..	19,715	3,887	1,626	16,491	1964..	25,574	2,824	261	12,055
1955..	21,515	3,931	1,287	17,773	1965..	26,657	3,049	308	13,923

**Trademarks Registered, Renewed and Published Under
Sec. 12(c), Fiscal Years ¹**

Year	Regis- tered	Re- newed	Pub- lished under sec. 12(c)	Year	Regis- tered	Re- newed	Pub- lished under sec. 12(c)
1946.....	7,185	4,993	—	1956.....	21,613	3,315	885
1947.....	8,833	4,880	—	1957.....	17,864	4,041	877
1948.....	9,411	6,704	8,298	1958.....	15,979	3,172	555
1949.....	14,450	4,735	20,819	1959.....	17,685	3,249	529
1950.....	16,378	3,573	4,873	1960.....	18,989	3,614	479
1951.....	17,869	3,487	1,589	1961.....	17,406	3,749	451
1952.....	16,400	3,314	1,304	1962.....	15,909	3,071	331
1953.....	16,273	3,268	1,157	1963.....	18,266	2,450	322
1954.....	15,197	2,918	1,383	1964.....	20,689	2,834	329
1955.....	16,109	4,588	1,544	1965.....	19,452	2,870	336

¹ Includes withdrawn numbers.

Summary of Patent Office Services Furnished for Fees or Without Charge to the Public and Government Agencies During Fiscal Year 1965

Item or service provided	Total supplied	Patent Office use	Furnished other Gov-ernment agencies	Number for which charge was made
Prints furnished: Manuscripts, patents, publications, etc.....	7, 712, 462	1, 731, 936	67, 805	5, 912, 721
Certificates prepared.....	89, 759	5	739	89, 015
Assignments:				
Abstract of title and title searches.....	1, 167	—	9	1, 158
Title reports.....	63, 252	40, 953	—	22, 299
Instruments recorded.....	71, 682	—	4, 414	67, 268
Patents and trademarks:				
Orders.....	7, 754, 912	1, 045, 196	108, 351	6, 601, 365
Foreign exchange.....	2, 508, 754	—	2, 508, 754	—
Library subscriptions.....	1, 195, 481	—	—	1, 195, 481
Total.....	11, 459, 147	1, 045, 196	2, 617, 105	7, 796, 846
Drawings and corrections.....	21, 452	—	—	17, 112

Summary of Contested Applications, Patent and Designs

Item	Pending, June 30, 1964	Receipts, fiscal year 1965	Disposals, fiscal year 1965	Pending, June 30, 1965
Interferences before the Board of Interference Examiners.....	2, 096	651	¹ 824	1, 923
In interlocutory stage.....	2, 077	—	—	1, 901
Finally heard, awaiting decision...	19	—	—	22
Petitions to the Commissioner.....	608	8, 625	8, 566	667
Ex parte.....	348	2, 740	2, 783	305
Inter partes.....	7	115	118	4
To revive.....	34	1, 134	1, 063	105
Informal petitions.....	7	7	8	6
Delayed payment of final fee.....	7	319	306	20
Under rule 312.....	205	4, 310	4, 288	227

¹ Includes 632 decisions before and 192 after final hearing.

Summary of Contested Trademark Applications

Item	Pending, June 30, 1964	Receipts, fiscal year 1965	Disposals, fiscal year 1965	Pending June 30, 1965
Proceedings before the Trademark Trial and Appeal Board.....	1, 610	1, 661	¹ 1, 602	1, 669
In interlocutory stage.....	1, 556	—	—	1, 589
Finally heard, awaiting decision...	54	—	—	80
Interferences.....	119	103	124	98
Oppositions.....	1, 160	1, 092	1, 040	1, 212
Cancellations.....	221	223	208	236
Concurrent use.....	18	12	20	10
Reinstatements.....	8	23	20	11
Ex parte appeals.....	84	171	155	100
Petitions for reconsideration.....	—	37	35	2
Petitions to the Commissioner.....	7	18	25	0
Ex parte appeals.....	1	2	3	0
Adversary proceedings.....	6	16	22	0

¹ Includes 1,167 before, 435 after final hearing.

Cases in Litigation

Item	Pending, June 30, 1964	Receipts, fiscal year 1965	Disposals, fiscal year 1965	Pending, June 30, 1965
Patent cases before the Board of Appeals...	5, 705	24, 174	19, 006	10, 873
Examiner affirmed.....	—	—	3, 132	—
Examiner affirmed in part.....	—	—	499	—
Examiner reversed.....	—	—	999	—
Withdrawn.....	—	—	11, 360	—
Dismissed.....	—	—	2, 392	—
Suspended.....	—	—	29	—
Reconsiderations (incl. in total)	111	589	595	105
Supreme Court of the United States:				
Petitions for writ of certiorari.....	0	5	3	2
Patents.....	0	5	3	2
Trademarks.....	0	0	0	0
U.S. Court of Appeals District of Columbia Circuit.....	7	15	10	12
Patent cases.....	7	14	10	11
Patent Office affirmed.....	—	—	10	—
Patent Office reversed.....	—	—	—	—
Dismissed.....	—	—	—	—
Trademark cases.....	0	1	0	1

Cases in Litigation—(Cont.)

Item	Pending, June 30, 1964	Receipts, fiscal year 1965	Disposals, fiscal year 1965	Pending, June 30, 1965
U.S. District Court for the District of Columbia.....	141	100	136	105
Patent cases.....	138	100	133	105
Patent Office affirmed.....	—	—	27	—
Patent Office affirmed in part.....	—	—	—	—
Patent Office reversed.....	—	—	15	—
Dismissed.....	—	—	91	—
Trademark cases.....	3	0	3	0
Patent Office reversed.....	—	—	1	—
Dismissed.....	—	—	1	—
The U.S. Court of Customs and Patent Appeals:				
Notices of appeal filed.....	—	301	—	—
Appeals instituted.....	275	264	229	310
Patent ex parte appeals.....	194	195	160	229
Patent Office affirmed.....	—	—	66	—
Patent Office affirmed in part..	—	—	8	—
Patent Office reversed.....	—	—	30	—
Dismissed.....	—	—	54	—
Remanded.....	—	—	2	—
Patent inter parte appeals.....	40	29	29	40
Patent Office affirmed.....	—	—	9	—
Patent Office affirmed in part..	—	—	—	—
Patent Office reversed.....	—	—	8	—
Dismissed.....	—	—	12	—
Trademark ex parte appeals.....	5	11	6	10
Patent Office affirmed.....	—	—	1	—
Patent Office reversed.....	—	—	1	—
Dismissed.....	—	—	3	—
Remanded.....	—	—	1	—
Trademark adversary proceedings..	36	29	34	31
Patent Office affirmed.....	—	—	19	—
Patent Office affirmed in part..	—	—	0	—
Patent Office reversed.....	—	—	8	—
Dismissed.....	—	—	7	—
Remanded.....	—	—	0	—

**Average Number of All Employees,
Fiscal Years 1961-65**

	1961	1962	1963	1964	1965
Examination and adjudication of patent applications:					
Patent Examining Corps.....	1,372	1,423	1,435	1,453	1,467
Office of Patent Classification.....	139	134	135	128	123
Office of Research and Development....	36	51	50	47	50
Board of Patent Interferences.....	11	11	10	10	10
Board of Appeals.....	52	58	62	59	56
Activity total.....	1,610	1,677	1,692	1,697	1,706
Examination and adjudication of trademark applications:					
Trademark Examining Operation.....	95	96	96	102	101
Trademark Trial and Appeal Board.....	14	15	13	14	15
Activity total.....	109	111	109	116	116
Administration and program services:					
Office of Commissioner.....	38	41	47	46	50
Office of Administration.....	491	503	508	517	546
Scientific Library.....	49	52	57	57	62
Office of Information Services.....	4	5	4	5	4
Activity total.....	582	601	616	625	662
Total program.....	2,301	2,389	2,417	2,438	2,484
Patent professional.....	1,194	1,217	1,222	1,226	1,218
Trademark professional.....	42	43	45	48	47
All other.....	1,065	1,129	1,150	1,164	1,219
Total program.....	2,301	2,389	2,417	2,438	2,484

**End of Year Employment,
Fiscal Years 1961-65**

	1961	1962	1963	1964	1965
Examination and adjudication of patent applications:					
Patent Examining Corps.....	1,465	1,531	1,512	1,481	1,519
Office of Patent Classification.....	135	141	130	124	131
Office of Research and Development....	54	82	68	52	42
Board of Patent Interferences.....	10	11	10	10	10
Board of Appeals.....	53	61	61	57	54
Activity total.....	<u>1,717</u>	<u>1,826</u>	<u>1,781</u>	<u>1,724</u>	<u>1,756</u>
Examination and adjudication of trademark applications:					
Trademark Examining Operation.....	97	97	100	103	102
Trademark Trial and Appeal Board.....	14	13	12	14	14
Activity total.....	<u>111</u>	<u>110</u>	<u>112</u>	<u>117</u>	<u>116</u>
Administration and program services:					
Office of Commissioner.....	41	46	48	51	58
Office of Administration.....	505	515	529	535	606
Scientific Library.....	49	58	59	68	64
Office of Information Services.....	5	4	6	4	3
Activity total.....	<u>600</u>	<u>623</u>	<u>642</u>	<u>658</u>	<u>731</u>
Total program.....	<u>2,428</u>	<u>2,559</u>	<u>2,535</u>	<u>2,499</u>	<u>2,603</u>
Patent professional.....	1,227	1,259	1,245	1,246	1,244
Trademark professional.....	43	42	47	48	45
All other.....	1,158	1,258	1,243	1,205	1,314
Total program.....	<u>2,428</u>	<u>2,559</u>	<u>2,535</u>	<u>2,499</u>	<u>2,603</u>

Operating Cost, Fiscal Years 1961-65

(in thousands of dollars)

	1961	1962	1963	1964	1965
Examination and adjudication of patent applications:					
Patent Examining Corps.....	15,750	16,276	18,154	18,682	21,041
Office of Patent Classification.....	1,277	1,245	1,359	1,416	1,504
Office of Research and Development.....	460	647	679	690	706
Board of Patent Interferences.....	157	161	159	166	205
Board of Appeals.....	582	655	711	706	799
Activity total.....	18,226	18,984	21,062	21,660	24,255
Examination and adjudication of trademark applications:					
Trademark Examining Operation..	837	855	912	998	1,043
Trademark Trial and Appeal Board.	130	139	138	150	171
Activity total.....	967	994	1,050	1,148	1,214
Administration and program services:					
Office of Commissioner.....	418	474	574	578	692
Office of Administration.....	3,604	3,474	3,691	3,958	4,446
Scientific Library.....	384	397	491	504	597
Office of Information Services.....	50	58	45	61	54
Activity total.....	4,456	4,403	4,801	5,101	5,789
Reimbursed services to other accounts..	10	10	—	—	—
Total program costs.....	23,659	24,391	26,913	27,909	31,258
Personnel compensation.....	17,487	18,207	19,535	20,972	23,238
Personnel benefits.....	1,329	1,387	1,475	1,596	1,711
Printing and reproduction.....	3,720	3,681	4,543	4,085	4,802
Other costs.....	1,123	1,116	1,360	1,256	1,507
Total program costs.....	23,659	24,391	26,913	27,909	31,258

Income from Fees, Fiscal Years 1961-65

(in thousands of dollars)

	1961	1962	1963	1964	1965
Patent filing fee, including extra claims.....	2,419	2,550	2,527	2,612	2,671
Patent copies.....	1,504	1,528	1,632	1,494	1,573
Patent final fee, including extra claims.....	1,368	1,539	1,492	1,315	1,643
Reproduction of records.....	722	805	971	1,027	1,095
Trademark filing fee.....	574	631	606	639	667
Patent appeals.....	246	305	306	252	565
Recording assignments.....	195	208	215	211	227
Special service on orders.....	97	109	116	138	144
Design filing fee, including term extensions....	93	94	96	105	113
Trademark renewal fee.....	87	79	66	70	77
Certification of copies.....	66	75	84	89	97
Drawings and corrections.....	62	68	61	70	90
Trademark copies.....	32	31	34	33	38
Trademark oppositions and cancellations.....	30	29	32	36	36
Subscription service for copies.....	28	31	31	33	29
Title reports.....	24	24	22	21	24
Classified lists of patents.....	8	10	15	9	9
Airmail postage.....	6	8	10	8	8
Comparison of patent drawings.....	—	—	—	—	11
Other fees, less than \$10 thousand each.....	74	82	77	76	87
Subtotal.....	7,635	8,206	8,393	8,238	9,204
Net coupon transactions.....	13	—13	—	—	—
Net income.....	7,648	8,193	8,393	8,238	9,204

SCIENCE AND TECHNOLOGY Summary of Employment and Financing—1961-65

	End of year employment					Obligations (in thousands)				
	1961	1962	1963	1964	1965	1961	1962	1963	1964	1965
General funds:										
Patent Office.....	2,428	2,559	2,535	2,499	2,603	\$23,622	\$24,739	\$26,883	\$27,946	\$31,433
Total, other funds.....	—	—	—	—	—	—	—	—	—	—
Total, all funds.....	2,428	2,559	2,535	2,499	2,603	23,622	24,739	26,883	27,946	31,433